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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------|-------------|----------------------|---------------------|------------------|
| 10/029,938 | 12/31/2001 | Yukari Aoki | 35.C16091 | 7016 |
| 5514 | 7590 | 07/30/2004 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO | | | BERNATZ, KEVIN M | |
| 30 ROCKEFELLER PLAZA | | | | |
| NEW YORK, NY 10112 | | | ART UNIT | PAPER NUMBER |

1773

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------|--------------------------------------|-------------------------------------|--|
| Advisory Action | Application No. 10/029,938 | Applicant(s) AOKI, YUKARI | |
| | Examiner Kevin M Bernatz | Art Unit 1773 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: 3 and 4.

Claim(s) rejected: 1, 2 and 5.

Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: the previous claims did not require the limitation "recorded domains of said recording layer are transferred to said domain wall displacement layer", which is sufficiently different from the previous limitation regarding the magnetization and/or exchange coupling to warrant further consideration and/or search..

Continuation of 5. does NOT place the application in condition for allowance because: applicants' arguments are directed to the unentered amendment. In so far as they apply to the rejections of record, the Examiner notes simply because applicants break the saturation magnetization into its' two components, RE and TM parts, does not mean that the prior art must do the same. Furthermore, the argument that since both applicants' and the prior art arrows are black and applicants' use the black arrow to represent the TM part of the magnetization, that Yonezawa et al. must be only showing the TM component of the magnetization is not convincing. The Examiner note that Yonezawa et al. clearly states that it is the direction of magnetization which is shown, which one of ordinary skill in the art would readily recognize as the overall saturation magnetization (i.e. sum of both TM and RE parts) barring explicit suggestion otherwise. Finally, the Examiner notes that Yonezawa et al. also appears to teach the transferring of magnetic domains from the recording layer to the DWDD layer (Figure 2, element 32)..

Kevin M. Bernatz

Kevin M. Bernatz, PhD
Primary Examiner

July 27, 2004